

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

DANIEL ROBERT MARTIN

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00772

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,

Defendant.

**ORDER**

This action was referred to United States Magistrate Judge Omar Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On May 25, 2021, Magistrate Judge Aboulhosn submitted his Proposed Findings & Recommendations [ECF No. 15] (“PF&R”) and recommended that the court **GRANT** the Claimant’s request for remand [ECF No. 12], **DENY** the Defendant’s request to affirm the decision below [ECF No. 13], **REVERSE** the final decision of the Commissioner, and **REMAND** this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order to allow the ALJ to redetermine Claimant’s RFC assessment since his October 23, 2019, ankle injury. Neither party timely filed objections to the PF&R nor sought an extension of time.

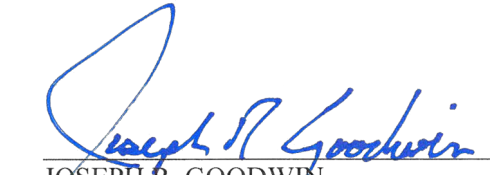
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** the Claimant's request for remand [ECF No. 12], **DENIES** the Defendant's request to affirm the decision below [ECF No. 13], **REVERSES** the final decision of the Commissioner, and **REMANDS** this matter back to the Commissioner for further proceedings consistent with the PF&R and this Order.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 27, 2021



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE